

Message Text

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PAGE 01 ACCRA 07162 311615Z
ACTION AF-10

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LIMITED OFFICIAL USE ACCRA 7162

E.O. 11652: N/A
TAGS: PINT, GH
SUBJ: WRIT OF HABEAS CORPUS SOUGHT FOR ACHEAMPONG

1. AN APPLICATION FOR LEAVE TO ISSUE A WRIT OF HABEAS CORPUS FOR THE RELEASE OF FORMER HEAD OF STATE GENERAT ACHEAMPONG WAS FILED AT THE SUPREME COURT IN ACCRA ON AUGUST 29. THE APPLICATION, FILED ON BEHALF OF ACHEAMPONG BY A GHANAIAN BARRISTER, SEEKS A COURT ORDER FOR THE GOVERNMENT TO JUSTIFY AND SHOW CAUSE FOR THE DETENTION OF THE DEPOSED HEAD OF STATE ON GROUNDS THAT: A) CONTINUED DETENTION IS CONTRARY TO LAWS OF GHANA AND 1969 CONSTITUTION; B) NO CHARGES HAVE BEEN FILED AGAINST ACHEAMPONG; C) UPON RETIREMENT THE GENERAL BECAME A PRIVATE CITIZEN WITH SAME RIGHTS AS ANY OTHER GHANAIAN CITIZEN; AND D) GENERAL ACHEAMPONG'S DETENTION WAS ACTUATED BY MALICE.

2. COMMENT: WRITS HAVE BEEN SOUGHT PREVIOUSLY ON BEHALF OF OTHER DETAINED PERSONS, AND THE COURT HAS GENERALLY RULED THAT SUCH DETENTION IS LEGAL UNDER THE PREVENTIVE DETENTION LAW. WE DOUBT THAT THE COURT WILL DO OTHERWISE IN THE CASE OF ACHEAMPONG.
HOLMES

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Message Attributes

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Draft Date: 31 aug 1978
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Disposition Approved on Date:
Disposition Case Number: n/a
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